No: 99-367

(3)

IN THE SUPREME COURT of the UNITED STATES

OCTOBER TERM, 1999

Mary Smyly, Petitioner,
vs.
IBM Corporation, et al,
Respondents.

On Petition For A Writ Of Certiorari To The United States Court of Appeals for the Ninth Circuit

PETITIONER'S REPLY MEMORANDUM

Mary Smyly
1412 N. English Station Road
Louisville, Kentucky 40223
502 / 245-4236

BY PERMISSION OF THE CLERK OF THE COURT I AM SUBMITTING THIS DOCUMENT IN NON-STANDARD FORMAT. I WAS INSTRUCTED BY THE CLERK TO ASSURE THAT THIS DOCMENT IN THE REQUIRED FORMAT WILL BE SUPPLIED TO THE COURT. THAT SUBMISSION BY ALL INDICATIONS WILL BE MADE SUBSEQUENT TO MY HOSPITALIZATION.

3PP



FAX COVER SHEET

12609 Shelbyville Road
Louisville, KY 40243
Ph: 502-254-5300
Fax: 502-254-5340

To: KATHY TYCZ

Fax #: 202-479-3021

From: MARY SMILEY

Phone #: 502/245-4236

Fax #: N/A

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Comments Being submitted from your authorization — Thank, Ford

Number of pages including cover page 8

MAY IT PLEASE THE COURT.

I am compelled to remind the court that as stated in Eldridge v Block, 832 F.2d 1132 (9th Cir. 1987, section 6), this court has decreed that a pro se litigant's "inartful pleading" is to be liberally construed especially in civil rights cases. With that in mind I apologize for any violation of protocol and to thank the court for its consideration.

QUESTIONS PRESENTED - DISPUTED

IBM has misstated the issues I brought before this court. Clearly my issues are not just the denial of oral argument. My issues are directed at entire processes, which by admission in the White Commission's report to Congress on the appellate court, put the quality of justice at risk.

The issues I raised are questions addressing the constitutionality of the appellate processes which are practiced among the circuits without congressional approval for different rules for different classes of litigants which is the definition of discrimination. One major issue is the violation of due process rights by the appellate court's failure to state reasons addressing the facts and the law. By issuing a non-specific "substantial evidence" ruling the appellate court denied me equal opportunity to seek reconsideration according to the court's own rules and with respect to other appellants who are given fully reasoned opinions which my right of appeal and the constitution have ensured. The appellate court rubber stamped the district court and the record shows that the district court erred and erred frequently.

Any compromise to the court's essential function of serving the citizenry is unacceptable and is not in accordance with our constitutional rights.

STATMENT OF THE CASE - DISPUTED

The document containing the alleged settlement agreement is entitled "Settlement Conference by Telephone" (Appendix A). The content of this document shows that the conference ended when a written record was created. The language is simple and unambiguous and there has been no question of the procedural accuracy of that designation. If I am wrong then the court produced documents are wrong and then there are serious problems